

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14375 of 2003

Between:

- 1 M.Sambasiva Rao s/o Venkatachalapathi Rao
Intur Primary Agricultural Cooperative Society Ltd., Intur, Amarthalur Mandal.,
Guntur District.
- 2 K.Lakshminarayana s/o Subba Rao
Pedagadelavarru Primary Agricultural Cooperative Society Ltd.,
Chinagadelavarru.,Chundur Mandal., Guntur District.
- 3 K.Sundara Rao s/o Chintaiiah
Pedagadelavarru Primary Agricultural Cooperative Society Ltd.,
Chinagadelavarru.,Chundur Mandal., Guntur District.
- 4 A.Satyanarayana s/o Veera Raghavaiah
Pedaravuru Primary Agricultural Cooperative Society Ltd., Pedaravaru.,
Tenali Mandal., Guntur District.
- 5 K.Sekharamma w/o M.Radhakrishna Murthy
Duggirala Primary Agricultural Cooperative Society Ltd., Duggirala.,
Duggirala Village & mandal., Guntur District.
- 6 A.Appa Rao s/o Venkataramaiah
Jampani Primary Agricultural Cooperative Society Ltd., Jampani.,
Vemuru Mandal., Guntur District.
- 7 T.Purnachandra Rao s/o Raghavaiah
Epuru Primary Agricultural Coop Society Ltd., Epuru., Kolluru Mandal.,
Guntur District.
- 8 B.Sarojini D/o Subba Rao
Padapalem Primary Agricultural Co-op Society Ltd., Padapalem.,
Duggirala Mandal., Guntur District.
- 9 T.Koteswara Rao s/o Kameswara Rao
Munipalli Primary Agricultural Co-op Society Ltd., Munipalli.,
Ponnuru Mandal., Guntur District.
- 10 P.Shyam Prasad s/o Basavapurnaiah
Nidubrolu Primary Agricultural Coop Society Ltd., Nidubrolu.,
Ponnuru Mandal., Guntur District.
- 11 Podile Pitchaiah s/o Subba Rao

- Karlapudi Primary Agricultural Coop Society Ltd., Kariapudi.,
Amaravathi Mandal., Guntur District.
- 12 D.Sambasiva Rao s/o Hanumaiah
Kavurulingamguntla Primary Agricultural Coop Society Ltd., Chilakaluripet
Branch
Guntur District.
- 13 T.Shankar Rao s/o Gopal Rao
Komarallapadu Primary Agricultural Cooperative Society., Chilakaluripet
Branch., Guntur District.
- 14 T.Koteswara Rao s/o Ramaiah
Kammavaripalem Primary Agricultural Coop Society Ltd., Chilakaluripet Branch
Guntur District.
- 15 Bengalur Hanuman Singh s/o Thukaram Singh
Solasa Primary Agricultural Coop Socceity Ltd., Thubadu., Chilakaluripet
Branch.,
Guntur District.
- 16 Koduru Venkata Rajendra Varaprasad s/o Subba Rao
Nadendla Primary Agricultural Coop So.Lt Nadendla Mandal.,
Guntur District.
- 17 Siddu Deva Brahmana Chary s/o China Kotilingachary
Ganapavaram Primary Agricultural Coop Society Ltd., Ganapavaram Mandal.,
Guntur District.
- 18 Paruchuri Janardhana Rao s/o Raghuramaiah
Vadlamudi Primary Agricultural Coop Society Ltd., Chebrolu Mandal.,
Guntur District.
- 19 Kondabolu Dhanalaxmi w/o P.Janardhana Rao
Gopalamvaripalem Primary Agricultural Coop Society Ltd., Chilakaluripet
Mandal
Guntur District.
- 20 Kilaru Gangadhara Rao s/o Subbaiah
Yadlapadu Primary Agricultural Coop Society Ltd., Yadlapadu mandal.,
Guntur District.
- 21 Vemula Nageswara Rao s/o Ramulu
Murikipudi Primary Agricultural Coop Society Ltd., Chilakaluripet Branch.,
Guntur District.
- 22 Pulipati Prabhakara Rao s/o Appaiah
Manukondavaripalem Primary Agricultural Coop Society Ltd., Chilakaluripet
Branch
Guntur District.

..... PETITIONERS

AND

- 1 The Government of Andhra Pradesh Cooperation Department rep.by its
Secretary., Secretariat., Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Coop Societies., Nampalli.,
Hyderabad.
- 3 The Guntur District Coop.Central Bank Ltd.,rep.by its General Manager., Guntur
Guntur District.
- 4 The District Coop.Officer., Guntur., Guntur District.
- 5 The Divisional Coop.Officer., Guntur., Guntur District.

- 6 The Divisional Coop.Officer Tenali., Guntur District.
- 7 The Divisional Coop.Officer., Narasaraopet., Guntur District.
- 8 Intur Primary Agricultural Coop.Society Ltd., Intur, Amarthalur Mandal, Guntur District., rep.by its Chairperson Person-in-charge.
- 9 Pedagadelavarru Primary Agricultural Coop.Society., Chinagadelavarru., Chundur Mandal., Guntur District rep.by its Chairperson/Person-in-charge
- 10 Pedaravuru Primary Agricultural Coop Society., Pedaravuru., Tenali Mandal., Guntur Dist.rep.by its Chairperson/ Person-in-charge.
- 11 Duggirala primary Agricultural Coop Society, Duggirala., Duggirala Village & Mandal.,Guntur Dist.,rep.by its Chairperson/Person-in-Charge.
- 12 Jampani Primary Agricultural Coop Society., Jampani, Vemuru Mandal., Guntur District, rep.by its Chairperson/Person-in-charge.
- 13 Epuru Primary Agricultural Coop.Society Epuru., Kolluru Mandal, Guntur District rep.by its Chairperson/Person-in-charge.
- 14 Pedapalem Primary Agricultural Coop Society., Pedapalem., Duggirala Mandal., Guntur District rep.by its Chairperson/Person-in-charge.
- 15 Munipalli Primary Agricultural Coop. Society., Munipalli.,Ponnuru Mandal., Guntur District., rep.by its Chairperson Person-in-charge.
- 16 Nidubrolu Primary Agricultural Coop. Society., Nidubrolu., Chundur Mandal., Guntur District, rep.by its Chairperson/ Person-in-charge.
- 17 Karlapudi Primary Agricultural Coop. Society Ltd., Karlapudi., Amaravathi Mandal, Guntur District., rep.by its Chairperson/Person-in-charge.
- 18 Kavurulingamguntla Primary Agricultural Coop.Society Ltd., Nidubrolu., Chilakaluripet Branch, Guntur District rep.by its Chairperson/person-in-charge
- 19 Komarallapadu Primary Agricultural Coop Society., Chilakaluripet Branch., Guntur Dist.rep.by its Chairperson/ Person in charge.
- 20 Kammavaripalem Primary Agricultural Coop.Society., Chilakaluripet Branch., Guntur District rep.by its Chairperson/ Person-in-charge.
- 21 Solasa Primary Agricultural Coop.Society Thubadu., Chilakaluripet Branch., Guntur District., rep.by its Chairperson Person-in-charge.
- 22 Nadendla Primary Agricultural Coop Society Ltd., Nadendla Mandal, Guntur District. rep.by its Chairperson/ Person-in-charge.
- 23 Ganapavaram Primary Agricultural Coop Society Ltd., Ganapavaram Mandal., Guntur District rep.by its Chairperson/ Person-in-charge.
- 24 Vadlamudi Primary Agricultural Coop. Society Ltd., Chebrolu Mandal., Guntur District., rep.by its Chairperson person-in-charge.
- 25 Gopalamvaripalem Primary Agricultural Coop.Society Ltd., Chilakaluripet Mandal
Guntur District rep.by its Chairperson/ Person-in-charge.
- 26 Yadlapadu Primary Agricultural Coop. Society Ltd., Yadlapadu Mandal., Guntur District, rep.by its Chairperson/ Person-in-charge.
- 27 Murikipudi Primary Agricultural Coop. Society Ltd., Chilakaluripet Branch Guntur District rep.by its Chairperson/ Person-in-Charge.
- 28 Manukondavaripalem Primary Agricultural Coop.Society Ltd., Chilakaluripet Branch
Guntur District. rep.by its Chairperson/ Person-in-charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ or order or direction, more particularly one in the nature of Writ of

Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec.116-C of the Act

Counsel for the Petitioners: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,2,4,5,6,7: G.P. for Co-operation

Counsel for the Respondents.: MR.VENKATESWARLU POSANI

Counsel for the Respondent No R.8 & 12: Mr. M.V. SURESH KUMAR

The Court made the following :

ORAL ORDER:

The petitioners claim to be working as Secretaries in various Primary Agricultural Co-operative Societies (for short PACS) arrayed as respondent Nos. 8 to 28 herein. Pursuant to the abolition of common cadre and de-caderisation of the Paid Secretaries Cadre apropos Section 116-AA of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), the petitioners, who were Paid Secretaries recruited under the half-a-million jobs scheme had been allotted to various PACS. They complain that in view of the provisions of Section 116-C of the Act, the respondents No. 8 to 28-PACS be directed to pay them salaries as last drawn and continue to pay the same.

The petitioners admit that none of the respondent Nos. 8 to 28-PACS in which they are working, are able to meet the statutory requirement of "2% of the working capital or 30% of the gross capital in an year, whichever is less" stipulated for entitlement to pay salaries to employees. It is not established before this court that the State Government or the Registrar of the Co-operative Societies or any of the respondent Nos. 1 to 7 are obligated either to pay or to ensure payment of salaries to the petitioners. The liability to pay salaries to the petitioners is exclusively of the respondent Nos. 8 to 28-PACS. It is not also established that the respondents No. 8 to 28-PACS are State within the meaning of Article 12 of the Constitution of India.

In the circumstances, there being no legal substratum to the reliefs claimed in the writ petition, the writ petition itself is not maintainable against the respondent Nos. 8 to 28—PACS and no relief could be granted. The writ petition is misconceived and is accordingly dismissed. The writ petitioners are, however, entitled to pursue available alternative remedies in accordance with law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

- 1 The Secretary, the Government of Andhra Pradesh Cooperation Department Secretariat., Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Coop Societies., Nampalli.,Hyderabad.
- 3 The General Manager, Guntur District Coop.Central Bank Ltd., Guntur Guntur District.
- 4 The District Coop.Officer., Guntur., Guntur District.
- 5 The Divisional Coop.Officer., Guntur., Guntur District.
- 6 The Divisional Coop.Officer Tenali., Guntur District.
- 7 The Divisional Coop.Officer., Narasaraopet., Guntur District.
- 8 The Chairperson Person-in-charge, Intur Primary Agricultural Coop.Society Ltd., Intur, Amarthalur Mandal, Guntur District.
- 9 The Chairperson/Person-in-charge, Pedagadelavarru Primary Agricultural Coop.Society., Chinagadelavarru., Chundur Mandal., Guntur District
- 10 The Chairperson/ Person-in-charge, Pedaravuru Primary Agricultural Coop Society., Pedaravuru., Tenali Mandal., Guntur Dist.
- 11 The Chairperson/Person-in-Charge, Duggirala primary Agricultural Coop Society, Duggirala., Duggirala Village & Mandal.,Guntur Dist..
- 12 The Chairperson/Person-in-charge, Jampani Primary Agricultural Coop Society., Jampani, Vemuru Mandal., Guntur District,.
- 13 The Chairperson/Person-in-charge, Epuru Primary Agricultural Coop.Society Epuru., Kolluru Mandal, Guntur District
- 14 The Chairperson/Person-in-charge, Pedapalem Primary Agricultural Coop Society., Pedapalem., Duggirala Mandal., Guntur District.
- 15 The Chairperson Person-in-charge, Munipalli Primary Agricultural Coop. Society., Munipalli.,Ponnuru Mandal., Guntur District.,.
- 16 The Chairperson/ Person-in-charge, Nidubrolu Primary Agricultural Coop. Society., Nidubrolu., Chundur Mandal., Guntur District.
- 17 The Chairperson/Person-in-charge, Karlapudi Primary Agricultural Coop. Society Ltd., Karlapudi., Amaravathi Mandal, Guntur District.,.
- 18 The Chairperson/person-in-charge, Kavurulingamguntla Primary Agricultural Coop.Society Ltd., Nidubrolu., Chilakaluripet Branch, Guntur District
- 19 The Chairperson/ Person in charge, Komarallapadu Primary Agricultural Coop Society., Chilakaluripet Branch., Guntur Dist..
- 20 The Chairperson/ Person-in-charge, Kammavaripalem Primary Agricultural Coop.Society., Chilakaluripet Branch.,

Guntur District..

21 The Chairperson Person-in-charge, Solasa Primary Agricultural Coop.Society
Thubadu., Chilakaluripet Branch.,
Guntur District.,.

22 The Chairperson/ Person-in-charge, Nadendla Primary Agricultural Coop
Society Ltd., Nadendla Mandal,
Guntur District..

23 The Chairperson/ Person-in-charge, Ganapavaram Primary Agricultural Coop
Society Ltd., Ganapavaram Mandal.,
Guntur District..

24 The Chairperson person-in-charge, Vadlamudi Primary Agricultural Coop.
Society Ltd., Chebrolu Mandal.,
Guntur District., .

25 The Chairperson/ Person-in-charge, Gopalamvaripalem Primary Agricultural
Coop.Society Ltd., Chilakaluripet Mandal
Guntur District..

26 The Chairperson/ Person-in-charge, Yadlapadu Primary Agricultural Coop.
Society Ltd., Yadlapadu Mandal.,
Guntur District.,.

27 The Chairperson/ Person-in-Charge, Murikipudi Primary Agricultural Coop.
Society Ltd., Chilakaluripet Branch
Guntur District.

28 The Chairperson/ Person-in-Charge, Manukondavaripalem Primary Agricultural
Coop.Society Ltd., Chilakaluripet Branch
Guntur District.

29. 2CCs to learned Government Pleader for Co-operation & Agril., High Court
Buildings, Hyderabad (OUT).

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